

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of similarly
situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-cv-05807

Hon. James F. Holderman

Magistrate Judge Kim

**PLAINTIFFS' MOTION FOR A ONE-WEEK EXTENSION OF BRIEFING SCHEDULE
ON DEFENDANT COMSCORE'S MOTION TO DISMISS**

Plaintiffs Mike Harris and Jeff Dunstan (“Plaintiffs”), by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 6(b), respectfully move for a one-week extension of time for Plaintiffs to file their Response in Opposition to Defendant’s Renewed Motion to Dismiss Under Rule 12(b)(3) (“Motion to Dismiss”) and for Defendant to file its Reply in support of its Motion. In support, Plaintiffs state as follows:

1. On November 12, 2013, the Parties appeared before the Court for the presentment of Defendant comScore's Motion to Dismiss for improper venue. (Dkt. 271.)
2. At the presentment hearing, Plaintiffs requested until November 15, 2013 to file their Response to the Motion to Dismiss and comScore requested until November 29, 2013 to file its Reply. The Court adopted the Parties' proposed briefing schedule and took the Motion to Dismiss under advisement. (*Id.*)
3. Since the presentment hearing on the Motion to Dismiss, Plaintiffs' counsel has been working on a Response to the Motion to Dismiss, but by Thursday, November 14, 2013, it became clear that a short one-week extension of time to file said Response is necessary. (*See*

Declaration of Rafey S. Balabanian, ¶ 4, a true and accurate copy of which is attached hereto as Exhibit A.)

4. A one-week extension of Plaintiffs' deadline to respond to the Motion to Dismiss is necessary because other professional commitments, mostly with respect to this case, have slightly delayed the preparation and finalization of Plaintiffs' Response brief. (Ex. A, ¶ 5.)

5. In particular, the lead attorneys in this matter have been engaged in the following litigation activity:

- a. Preparing for and engaging in oral argument on Plaintiffs' Renewed Motion to Compel in this case before Magistrate Judge Kim on November 12th;
- b. Preparing for two depositions in this case of comScore's employees that took place on November 13th and 14th;
- c. Preparing for the deposition of Plaintiff Dunstan, set to take place on November 19th, as well as the depositions of three more comScore employees set to take place on November 20th, 21st and 22nd;
- d. Preparing a settlement demand on comScore to be served on November 18th, pursuant to Magistrate Judge Kim's Standing Order on settlement conferences, which is set to take place on November 25th;
- e. Preparing a Reply in Support of Class Certification in the case captioned *Cousineau v. Microsoft Corp.*, No. 2:11-cv-01438 (W.D. Wash.), which was filed the evening of November 12th;
- f. Preparing for and attending a mediation of a putative class action in the case captioned *Cabrera v. Geico*, No., 0:12-cv-61390 (S.D. Fla.), which took place on November 13th in Miami, Florida;
- g. Engaging in on-going mediation in the case *Haught v. Motorola Mobility*, No. 1:12-cv-02515 (N.D. Ill.), presided over by Magistrate Judge Kim, the final terms of which were agreed upon on November 14th; and
- h. Preparing a Reply in Support of a Motion to Lift Stay pursuant to the doctrine of primary jurisdiction in the case captioned *Glauser v. GroupMe, Inc.*, No. 4:11-cv-02584 (N.D. Cal.), which is due to be filed on November 15th.

(Ex. A, ¶ 6.)

6. Given these and several other professional commitments that lead counsel has, Plaintiffs are in need of an extra week to file their Response to comScore's Motion to Dismiss.

(Ex. A, ¶ 7.)

7. On November 14th, Plaintiffs' counsel conferred with counsel for comScore to inquire as to whether comScore would object to the requested extension. comScore's counsel stated that Defendant takes no position on the requested extension. However, if the Court is inclined to grant the extension, then comScore would request until December 6th to file its Reply, giving it the same fourteen (14) day time frame in which to file said Reply.

8. This motion is not being brought to delay these proceedings in any way and no party will suffer any prejudice if the Court grants the relief requested herein. Further, the requested extension will not alter any other deadlines set by the Court except with respect to the briefing schedule on comScore's Motion to Dismiss.

9. Fed. R. Civ. P. 6(b) provides that the Court, for good cause shown, may extend the time for a party to complete any required act.

10. Here, there is good cause to extend the time for Plaintiffs to respond to comScore's Motion to Dismiss, and therefore, Plaintiffs respectfully request that the Court grant the instant motion.

Dated: November 15, 2013

Respectfully submitted,

Mike Harris and Jeff Dunstan, individually and
on behalf of a class of similarly situated individuals,

By: /s/ Rafey S. Balabanian
One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Rafey S. Balabanian, an attorney, hereby certify that on November 15, 2013, I served the above and foregoing ***Plaintiffs' Motion For A One-Week Extension Of Briefing Schedule On Defendant Comscore's Motion To Dismiss*** by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this the 15th day of November, 2013.

/s/ Rafey S. Balabanian